

REMARKS

Reconsideration of the outstanding rejections and objections is requested in light of the forgoing amendments and the following comments. Claims 29-46 and 48-50 are pending, with claims 29, 36, and 43 being the independent claims. No new matter is added by this Amendment.

Allowable Subject Matter

The Applicant appreciates the Examiner's indication of allowable subject matter in claims 29-35, 41, 42, 44, 47 and 48.

Claim Rejections

Claims 36-38, 40, 43, 45 and 46 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,161,897 to Hill ("Hill"). Claims 39, 49 and 50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hill.

Independent Claim 36 and its Dependent Claims

Independent claim 36 has been amended to recite "at least one non-human weight" and "the weight and the buoyancy member collectively configured to maintain the fabric portion in a substantially planar orientation when submerged in water." Hill does not disclose or suggest such an apparatus. The Examiner asserts that the user of the device in Hill (i.e., the child 22) is the weight recited in claim 36, and that the fabric portion of Hill will maintain a substantially planar orientation when submerged underwater and when the child 22 is seated on the fabric portion. The Applicant respectfully disagrees with these assertions.

The child 22 is not disclosed in Hill as being part of the floatable structure 20. The child 22 is merely used to illustrate how the structure 20 can be used. Without the child 22 seated in the seat 52, the seat 52 will freely float in the water, without any specific orientation and without the ability to maintain a planar shape on any portion of

the seat 52. Therefore, without the child 22, no weight can collectively with the buoyancy member “maintain the fabric portion in a substantially planar orientation when submerged in water” as recited in amended claim 36.

That said, claim 36 has been amended to recite “at least one non-human weight” to avoid any confusion. The Applicant does not acquiesce to the rejection for the reasons discussed above, and reserves the right to pursue additional arguments or claims in the future.

Accordingly, at least for this reason, claim 36 is allowable. Based at least on their dependence upon claim 36, claims 37-42 are also allowable.

Independent Claim 43 and its Dependent Claims

Independent claim 43 has been amended to include the subject matter of claim 47, which was indicated by the Examiner as being allowable subject matter. Accordingly, claim 43 is allowable. Based at least on their dependence upon claim 43, claims 44-46 and 48-50 are also allowable.

CONCLUSION

All of the stated grounds for rejection and objection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections and objections. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner has questions in connection with this application or believes that personal communication would be helpful in the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Prompt and favorable consideration of this Amendment is respectfully requested.

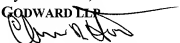
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